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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 UNITED STATES OF AMERICA,) CASE NO. 19-CR-043 YGR
19 Plaintiff,) UNITED STATES' MOTION FOR COMPETENCY
20 v.) EXAMINATION OF DEFENDANT; [PROPOSED]
21 DANIEL JAMES,) ORDER
22 Defendant.)
23 _____)

24 Defendant Daniel James is presently in custody at Santa Rita Jail awaiting trial on charges
25 alleging that he participated in conspiracies to traffic guns and drugs in East Oakland. The Superseding
26 Indictment arose from an 18-month investigation involving numerous controlled purchases and a
27 wiretap of multiple phones. To date, eight of the 13 persons charged in the Superseding Indictment have
28 pleaded guilty. James's next scheduled court date is September 17, 2021 for a status conference.

29 On July 16, 2021, James filed a motion seeking a determination whether he was competent to
30 stand trial. Dkt. 419. Counsel for Mr. James provided the government with a report dated May 31,
31 2021, authored by Dr. Jeff Gould, a forensic psychiatrist retained by the defense. Dr. Gould's report

1 summarized the results of an evaluation he conducted upon James. Dr. Gould opined that, due to a
2 mental disorder, Mr. James is unable to rationally cooperate with his defense counsel and is therefore
3 incompetent to stand trial.

4 Based on the information set forth in Dr. Gould's report, the government submits that there is
5 reasonable cause to believe that James may presently be suffering from a mental disease or defect
6 rendering him mentally incompetent to the extent that he is unable to assist properly in his defense,
7 within the meaning of 18 U.S.C. § 4241(a), and thus that a competency hearing is warranted.

8 The government hereby moves the Court for an order that defendant Daniel James be referred to
9 the Bureau of Prisons for the purpose of conducting a psychiatric or psychological examination, at the
10 government's expense, pursuant to 18 U.S.C. §§ 4241(b), and 4247(b) and (c). The government
11 requests that the Court's order specify that the thirty-day examination period will commence upon the
12 defendant's arrival at the nearest suitable Bureau of Prisons facility at which such examination can be
13 conducted, pursuant to 18 U.S.C. § 4247(b). Finally, the government requests that the Court's order
14 require that, upon completion of the examination of Mr. James, the Bureau of Prisons file with the Court
15 a report summarizing its findings, pursuant to 18 U.S.C. § 4247(b) and (c), and that the Bureau of
16 Prisons simultaneously provide copies of this report to government counsel and counsel for Mr. James.

17 On July 21, 2021, undersigned counsel contacted counsel for Mr. James to determine whether
18 the defense opposed this motion and proposed order. On that date, counsel for Mr. James acknowledged
19 receipt of the government's motion. However, as of this writing, counsel for Mr. James has not advised
20 undersigned counsel whether the defense opposes this motion.

22 | DATED: July 26, 2021

Respectfully submitted,

STEPHANIE M. HINDS
Acting United States Attorney

/s/
SLOAN HEFFRON
Assistant United States Attorney

[PROPOSED] ORDER

Based upon the government's motion, and good cause appearing, IT IS HEREBY ORDERED that a psychiatric or psychological examination of the defendant, Daniel James, be undertaken at the government's expense pursuant to 18 U.S.C. §§ 4241(b), and 4247(b) and (c). It is FURTHER ORDERED that Mr. James be evaluated in the custody of the Bureau of Prisons at the nearest suitable Bureau of Prisons facility at which such examination can be conducted, and that the examination occur within thirty days from the date Mr. James arrives at such facility, pursuant to 18 U.S.C. § 4247(b). The Bureau of Prisons shall prepare a report to be filed with the Court and provided to the parties in accordance with the requirements of 18 U.S.C. §§ 4247(b) and (c).

IT IS SO ORDERED.

DATED: _____

HON. YVONNE GONZALEZ ROGERS
United States District Judge